

# SENATE BILL 441

C7

CONSTITUTIONAL AMENDMENT

11r0572

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By: **Senators Kasemeyer, Brinkley, DeGrange, Edwards, Forehand, Garagiola, Getty, King, Klausmeier, McFadden, Middleton, Miller, Pipkin, Pugh, Robey, and Stone**

Introduced and read first time: February 4, 2011

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Gaming – Video Lottery Terminals – Additional Forms or Expansion of**  
3 **Commercial Gaming by Supermajority of General Assembly**

4 FOR the purpose of proposing an amendment to Article XIX – Video Lottery Terminals  
5 of the Maryland Constitution; authorizing the General Assembly to allow  
6 additional forms or expansion of the operation of video lottery terminals or  
7 other commercial gaming if approval is granted by three-fifths of the members  
8 of the Senate and three-fifths of the members of the House of Delegates;  
9 repealing certain restrictions concerning the number and placement of video  
10 lottery terminals in the State and the primary purpose for which revenues from  
11 the terminals may be used; repealing a requirement that approval for additional  
12 forms or expansion of commercial gaming be granted through a statewide  
13 referendum; and submitting this amendment to the qualified voters of the State  
14 for their adoption or rejection.

15 BY proposing an amendment to the Maryland Constitution  
16 Article XIX – Video Lottery Terminals  
17 Section 1

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, (Three-fifths of all the members elected to each of the two Houses  
20 concurring), That it be proposed that the Maryland Constitution read as follows:

21 **Article XIX – Video Lottery Terminals**

22 1.

23 (a) This article does not apply to:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Lotteries conducted under Title 9, Subtitle 1 of the State  
2 Government Article of the Annotated Code of Maryland;

3 (2) Wagering on horse racing conducted under Title 11 of the Business  
4 Regulation Article of the Annotated Code of Maryland; or

5 (3) Gaming conducted under Title 12 or Title 13 of the Criminal Law  
6 Article of the Annotated Code of Maryland.

7 [(b) In this article, "video lottery operation license" means a license issued to  
8 a person that allows players to operate video lottery terminals.

9 (c) (1) Except as provided in subsection (e) of this section, the State may  
10 issue up to five video lottery operation licenses throughout the State for the primary  
11 purpose of raising revenue for:

12 (i) Education for the children of the State in public schools,  
13 prekindergarten through grade 12;

14 (ii) Public school construction and public school capital  
15 improvements; and

16 (iii) Construction of capital projects at community colleges and  
17 public senior higher education institutions.

18 (2) Except as provided in subsection (e) of this section, the State may  
19 not authorize the operation of more than 15,000 video lottery terminals in the State.

20 (3) Except as provided in subsection (e) of this section, a video lottery  
21 operation license only may be awarded for a video lottery facility in the following  
22 locations:

23 (i) Anne Arundel County, within 2 miles of MD Route 295;

24 (ii) Cecil County, within 2 miles of Interstate 95;

25 (iii) Worcester County, within 1 mile of the intersection of Route  
26 50 and Route 589;

27 (iv) On State property located within Rocky Gap State Park in  
28 Allegany County; or

29 (v) Baltimore City, if the video lottery facility is:

30 1. Located:

31 A. In a nonresidential area;

- 1                   B.     Within one-half mile of Interstate 95;
- 2                   C.     Within one-half mile of MD Route 295; and
- 3                   D.     On property that is owned by Baltimore City on the  
4 date on which the application for a video lottery operation license is submitted; and
- 5                   2.     Not adjacent to or within one-quarter mile of property  
6 that is:
- 7                   A.     Zoned for residential use; and
- 8                   B.     Used for a residential dwelling on the date the  
9 application for a video lottery operation license is submitted.

10                   (4)     Except as provided in subsection (e) of this section, the State may  
11 not award more than one video lottery operation license in a single county or  
12 Baltimore City.

13                   (5)     A video lottery facility shall comply with all applicable planning  
14 and zoning laws of the local jurisdiction.

15                   (d)     Except as provided in subsection (e) of this section, on or after November  
16 15, 2008, the General Assembly may not authorize any additional forms or expansion  
17 of commercial gaming.]

18                   [(e)] **(B)**     The General Assembly may only authorize additional forms or  
19 expansion of **THE OPERATION OF VIDEO LOTTERY TERMINALS OR OTHER**  
20 commercial gaming if approval is granted [through a referendum, authorized by an act  
21 of the General Assembly, in a general election by a majority of the qualified voters in  
22 the State] **BY THREE-FIFTHS OF THE MEMBERS OF THE SENATE AND**  
23 **THREE-FIFTHS OF THE MEMBERS OF THE HOUSE OF DELEGATES.**

24                   [(f)     The General Assembly may, from time to time, enact such laws not  
25 inconsistent with this section, as may be necessary and proper to carry out its  
26 provisions.]

27                   SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly  
28 determines that the amendment to the Maryland Constitution proposed by this Act  
29 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the  
30 Maryland Constitution concerning local approval of constitutional amendments do not  
31 apply.

32                   SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
33 proposed as an amendment to the Maryland Constitution shall be submitted to the  
34 qualified voters of the State at the next general election to be held in November, 2012

1 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.  
2 At that general election, the vote on this proposed amendment to the Constitution  
3 shall be by ballot, and upon each ballot there shall be printed the words "For the  
4 Constitutional Amendment" and "Against the Constitutional Amendment," as now  
5 provided by law. Immediately after the election, all returns shall be made to the  
6 Governor of the vote for and against the proposed amendment, as directed by Article  
7 XIV of the Maryland Constitution, and further proceedings had in accordance with  
8 Article XIV.